

MINUTES

**Historic Preservation Commission
First Floor Community Development Conference Rooms
7447 E. Indian School Road
January 13, 2005
5:00 P.M.**

CALL TO ORDER

The meeting was called to order at 5:00 P.M.

ATTENDANCE

Present: Ed Wimmer, Chair
B.J. Gonzales, Vice Chair
Nancy Dallett, Commissioner
Cathy Johnson, Commissioner
Kathy Howard, Commissioner

Absent: George Hartz, Commissioner
Paul Winslow, Commissioner

Staff: Don Meserve
Debbie Abele, HPO
Tim Curtis

Visitors: John Berry, Joseph Gross, Kirsten Kueffner, Eric Nesvig, David Adler,
Wilhelm Kueffner, Roland Kueffner, and Robert McCandless

ROLL CALL

A formal roll call confirmed members present as stated above.

MINUTES

December 9, 2004

Commissioner Dallett made a motion to approve the minutes of the December 9, 2004 meeting as presented. The motion was seconded by Commissioner Howard and passed unanimously 5-0.

PUBLIC HEARING/ACTION ITEMS

- **8-HP-2004 (109-DR-2004) Paradise Valley Arsenic Removal Facility Certificate of Appropriateness, 6215 N. Miller Road** – Request by Arizona American Water Company to review site plan and elevations for two 1.5 million gallon water reservoirs within the HP overlay zone, make recommendation to the Development Review Board (DRB) on the portion of the project zoned HP, and use the design guidelines in the approved Historic Preservation Plan to determine whether a Certificate of Appropriateness should be approved.

Commissioner Gonzales reported that his property abuts this project. He further reported that Preservation staff and the City Attorney's Office have confirmed that there is not a conflict of interest with regard to his

participation in this request. Mr. Meserve noted that means Commissioner Gonzales does not have a financial gain from anything happening on this property and/or with this application.

Staff Presentation: Ms. Abele, HPO presented the staff report for this case and concluded with a recommendation that the HPC should make a recommendation to the DRB setting forth their finding as to if and how the plans submitted are in substantial conformance with the approved Design Guidelines of the Cattle Track Complex Historic Preservation Plan, that the site plan and elevations be approved for the two reservoirs on the HP zoned land in the application, and that a Certificate of Appropriateness be signed after the DRB has approved the project. Final approval of the project is subject to the plans meeting all other City technical requirements for the issuance of necessary permits.

Applicant Presentation: John Berry, Berry & DaMore, 6750 E. Camelback Road, Suite 103, representing the applicant stated he would like the opportunity to answer questions following the public comments or time for rebuttal on any issues raised during public comment. He provided a brief history and background on the site. He pointed out the area of this project that is within the HP overlay, approximately 1/3 of the project area. He reported the reason the water company has to do this project is because of federal mandates to have safer drinking water and that requires removing arsenic from the ground water. He further reported Arizona American Water Company supplies clean water from wells on this property to approximately 2,000 homes in Scottsdale and to Paradise Valley. He noted that there are three existing water tanks on the property. Mr. Berry remarked on the importance of the area and how the project designs tries to recognize the character of this area and its importance to the community. He provided an overview of the project discussing the materials, and landscaping. He noted one of the historic elements on this property is the mesquite trees and the walls would meander to avoid removing the existing mature trees.

Mr. Berry provided information on the neighborhood outreach that has occurred for the entire project. He reported currently there is no legal public access from Cattle Track to the canal so they will provide public access to the canal on an unpaved path on the north side of the property so people can enjoy the canal. He explained the reason Arizona American Water is now before this Commission is because originally when Ms. Ellis was applying for the Special Campus zoning district to preserve this area she needed additional acreage to qualify. The applicant agreed and therefore part of the project is now part of the special campus district and is included in the HP overlay zone. At the time, nobody anticipated the Federal Government would intervene. He explained this is an example of how no good deed goes unpunished. Mr. Berry reported that on Tuesday night the City Council approved the use permit. The City Council did not require the applicant to underground the tanks.

Mr. Berry reviewed the first six Design Guidelines from the HP Plan for the Cattle Track Complex and discussed how this proposal meets the guidelines. He requested the commissioners' provide their input regarding what color the tanks should be and showed them some color samples. Mr. Gross, Director for the company, provided information on the technical/engineering reasons for the placement of the tanks.

Commission Questions for Staff or the Applicant: Commissioner Johnson inquired how long the Water Company has been at this site. Mr. Berry responded the Company under different names has been at this site since the 1950's.

Commissioner Gonzales inquired why it is necessary to move the new tanks to the HP zoned portion of the property. Mr. Berry explained the tanks were placed at the lowest elevation on the property and so the tanks would not be visible from the Cattle Track right-of-way. This location was selected because it would have the minimum impact on the balance of the community.

Chair Wimmer inquired about the brick building that would house the pump, if it would be addressed in a similar design as the offices in the area. Ms. Abele replied there is no change to that structure and it is not in the HP area; the existing pump and related pump building are north of the HP boundary.

Commissioner Dallett inquired if the canal is considered a public right-of-way. Mr. Berry replied the canal is not considered a public right of way.

Commissioner Dallett requested Mr. Berry address Design Guidelines 10 through 16 in the approved HP Plan. Mr. Berry discussed how this proposal meets Design Guidelines 10 through 16.

Commissioner Howard inquired if the large white pipe visible along the canal bank will remain. Mr. Berry replied it would be removed.

Commissioner Dallett inquired about the long-term viability of the mesquite trees because of the construction of the tanks on the site. Robert McCandless, Design Engineer, explained as long as we do not disturb the roots of the trees they will be fine.

Chair Wimmer stated that redwood has been identified as one of the character-defining materials within the HP overlay. He inquired if they have considered cladding the exterior of the metal tanks in redwood material to extend the screening material. Mr. Berry replied they have not given that any consideration but it is a great idea. He stated that if redwood cladding is a recommendation of the Commission we would study that to see if it would make sense.

Ms. Abele requested the public comment be limited to the Design Guidelines.

Chair Wimmer opened public testimony.

David Adler, 16658 N. 106th Way, representing Kirsten Kueffner, stated he would like to ask Mr. Berry the following questions:

1. Did Mr. Berry make the assertion before the City Council that it would cost \$3 million to bury the tanks?
2. He inquired if Mr. Berry has any documents that indicate it would cost \$3 million to bury the tanks.
3. Have they taken into consideration concerns regarding lighting striking these tanks?
4. There are concerns regarding tsunamis as it relates to lighting.
5. What is the length of time Technical Solutions has spent inquiring about the Kueffner's concerns.

Janie Ellis, 6105 N. Cattle Track Road, stated she would like to make it clear that this is before them as a HP property because the Ellis Family asked the Arizona American to be included in our zoning to allow them to meet the criteria. She apologized for causing the Water Company problems. She reported that, with the stepping and all the things that have been done, the tanks will disappear.

Eric Nesvig, 6144 N. 77th Place, stated the proposed water tanks will destroy the view of Camelback Mountain from my backyard, Rose Lane, and 77th Place. He further stated that he was not contacted about this proposal.

Wilhelm Kueffner, 6207 N. Cattle Track Rd, stated that he and his brother went out this morning and spoke to people around this neighborhood and they did not know how large the tanks were going to be. He further stated the Engineers have commented on the difficulties of burying the tanks but it would solve a lot of problems.

Roland Kueffner, 6207 N. Cattle Track Rd, stated that everyone keeps talking about how important the mesquite trees are and we are losing site of how ugly the tanks are going to be.

Kirsten Kueffner, 16658 N. 106th Way, stated this has been jammed down our throats.

Chair Wimmer closed public testimony.

Ms. Abele stated for the record the letter from Mrs. Kueffner has been distributed to the Commission members.

Mr. Berry addressed the questions and concerns brought up during public testimony. He reported that at the City Council meeting he did say on the record that after analysis and research the cost to bury the tanks would be approximately \$3 million. He stated the next question was regarding lightning striking noting that, of course, they will do whatever necessary to protect against lightning striking. He further stated that he was not sure about the question regarding tsunamis as it relates to lightning. He reported that Technical Solutions specializes in neighborhood outreach. He reviewed the outreach done by Technical Solutions on this project. He passed out the chronology of neighborhood outreach. He noted that two different meetings were scheduled with Mrs. Kueffner and both times she called and canceled. He further noted that two nights ago the City Council made a public policy decision not to bury these tanks. He reported that we would be happy to continue the neighborhood outreach.

Chair Wimmer stated there was question regarding if there is a public document regarding the cost estimates to bury the tanks. Mr. Berry replied that is not a public document.

Commission Johnson inquired if it would be possible to keep the tanks above ground but add an additional tank to keep them lower. Mr. Gross replied they would have to analyze the site to determine whether space is available. Mr. Berry noted that cost is an issue.

Commissioner Gonzales inquired if the HP property is in conformance with the use permit. Mr. Curtis replied the City Council approved the use permit on Tuesday.

Commissioner Dallett inquired about the Commission's purview regarding the public right of way from the other side of the canal. Chair Wimmer stated that public right of way is outside of the boundaries of the HP District.

Commissioner Johnson stated that she did have a concern of how the profile would impact the neighbors across the canal. Ms. Abele stated that is not an issue before the Commission.

Commissioner Dallett stated that for the record the Commission is only considering guidelines 4 through 16 New Construction/Development. With Regard To No. 4, it appears that the new construction from the public right of way will use a variety of techniques in terms of screening and landscaping so No. 4 is in conformance. The height is appropriate and so No. 5 is in conformance. It appears the new construction is composed of simple geometric shapes so No. 6 is in conformance. No. 7 is questionable but the issue has been raised whether three tanks would bring the height down. No. 8 and 9 do not apply. No. 11 and 12 are in conformance because of the use of the planned rammed earth wall. No 13 and 14 are in conformance because of the mesquite tree bosque will be preserved and the Sonoran plant materials recommended by the city. No. 15 and 16 are also in conformance because of the materials used for both the driveways and pathways. She concluded that in every way it can conform it does conform. She recommended opening up a discussion on the materials that Chair Wimmer brought up regarding additional screening. Ms. Abele noted that the DRB will have the final approval but the HPC can make recommendations.

Chair Wimmer stated with regard to Design Guideline No. 6, which says simple geometric shapes, creating irregular massing, these shapes are extremely symmetrical in massing. With regard to No. 10 regarding materials, more historical cladding would be appropriate.

Commissioner Johnson stated that since it is a water treatment plant that it should probably look like a water treatment plan as opposed to doing a western theme. She further stated with regard to colors browns seem to blend better than the greens.

Chair Wimmer inquired if there is a requirement in the ordinance to maintain those trees in the HP District. Ms. Abele replied there is not a maintenance requirement the Design Guidelines preserve the canopy of shade created by the mesquite tree bosque.

Commissioner Gonzales stated with regard to color different shades of brown would be attractive.

Commissioner Dallett stated with regard to color she would encourage earth tones.

Commissioner Dallett made a motion to approve 8-HP-2004 (109-DR-2004) Paradise Valley Arsenic Removal Facility Certificate of Appropriateness with the site plan and elevations as submitted for the project for all of the reasons cited and that it meets the Design Guidelines. Ask the DRB take into consideration the recommendation by the HPC to use different materials and forms on the tank structures to reduce the monolithic nature. Efforts are made to preserve and maintain the canopy of trees. With regard to color, consider using brown palette. Second by Commissioner Gonzales and passed unanimously 5-0.

REGULAR AGENDA ITEMS

Annual January Retreat on 2005 Work Program

Ms. Abele stated the retreat is scheduled for Saturday, January 29, from 9 to 1 p.m. at the Cattletrack Complex. She passed out a copy of the draft agenda and reviewed the agenda noting the Commission would elect a Chair and Vice Chair at the retreat.

Chairman Wimmer requested staff provide the Commission with information regarding the capacity of staff as it relates to the work plan. Ms. Abele replied that she is putting together a calendar with regard to the neighborhood designations. She reported there are neighborhood meetings scheduled for the Town and Country and Village Groves on January 18th and 25th. She also reported that the frequently asked questions worksheet is being updated.

COMMITTEE REPORTS

Historic Register

Ms. Abele reported the Historic Register Committee would be scheduling a walking tour in March of the downtown.

Education Outreach

Ms. Abele reported the Education Outreach Committee has been working on ideas for promoting the HP effort. She further reported the list of recommendations would be reviewed at the retreat.

HPO/STAFF REPORT AND ANNOUNCEMENTS

Ms. Abele reported the Taliesin boundaries have been identified that will be proposed to the Foundation. Staff will bring the boundary map to the Commission in late February or early March.

Mr. Meserve reported the first Scottsdale Housing Design Day will be this Saturday at Coronado High School from 9:00 a.m. to 5:00 p.m. The purpose is for residents to bring their design plans and discuss them with an architect.

COMMISSION COMMENTS AND ANNOUNCEMENTS

Chair Wimmer requested a presentation on the Green Building program. Ms. Abele suggested instead of having that as a retreat item the Commission hold a special meeting and make it a single item agenda.

Commissioner Johnson reported that several years ago the Commission had asked the Architect's Attorney for Los Arcos to document the structures. She further reported that she followed up on that and there is documentation that can be made available to the city. She noted that she would follow through.

Meeting adjourned at 7:25 p.m.

Submitted by:

For the Record Court Reporters